

REMARKS

Applicant thanks the Examiner for the very thorough consideration given the present application.

Claims 1-10 are now present in this application. Claims 1, 2, 6, 7 and 10 are independent.

Claims 1-4, 6 and 10 have been amended. Reconsideration of this application, as amended, is respectfully requested.

I. Priority Under 35 U.S.C. § 119

Applicant thanks the Examiner for acknowledging Applicant's claim for foreign priority under 35 U.S.C. § 119, and receipt of the certified priority document.

II. Drawings

Applicant has not received a Notice of Draftsperson's Patent Drawing Review PTO-948 indicating whether or not the formal drawings have been approved by the Draftsperson. Since no objection has been received, Applicant assumes that the drawings are acceptable and that no further action is necessary. Confirmation thereof in the next Office Action is respectfully requested.

III. Claim Amendments

Applicant has amended the claims in order to correct minor typographical errors, and to place the claims in better form. The claim amendments are not being made in response to any statutory requirement for patentability, and have not been narrowed in scope. Instead, the claims have been amended merely to recite the subject matter therein more clearly.

IV. Rejection Under 35 U.S.C. § 102

Claim 2 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Kuroda et al. (U.S. Paten No. 5,815,472). This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicant respectfully submits that independent claim 2 has been amended to recite a combination of steps in a data recording method for an optical disc driver including the steps of receiving a data recording command, analyzing the received data recording command at least to determine a unit of data to be recorded, and encoding data to be recorded in a corresponding user region block, storing the encoded data in

the unit of an error correction code (ECC) block in a buffer, and recording the data of the ECC blocks stored in the buffer after a data unit recorded previously is reproduced and stored in the buffer or not reproduced, based on the result of the analyzing step. Applicant respectfully submits that this combination of steps as set forth in independent claim 2 is not disclosed or made obvious by the prior art of record, including Kuroda et al.

In addition, Applicant respectfully submits that Kuroda et al. is related to an information recording apparatus which can record data even in case an under-run condition happens. Particularly, it is an object of step S8 to prevent buffer under-run. However, it is an object of the present invention to provide a method of reducing a data recording time by separating a data reproducing process from a data recording process in recording the data and reducing the number of seeks of a servo.

Applicant respectfully submits that the combination of steps as set forth in independent claim 2 is not disclosed or made obvious by the prior art of record, including Kuroda et al., for the reasons explained above. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

V. Allowable Subject Matter

The Examiner states that claims 1 and 6-10 are allowed, and that claims 3-5 would be allowable if rewritten in independent form.

Applicant thanks the Examiner for the early indication of allowable subject matter in this application. However, claims 3-5 have not been rewritten in independent form at this time, since it is believed that independent claim 2 from which these claims depend is allowable.

VI. Additional Cited References

Since the remaining references cited by the Examiner have not been utilized to reject the claims, but have merely been cited to show the state of the art, no comment need be made with respect thereto.

VII. Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone

Application No.: 09/735,645
Art Unit 2655

Attorney Docket No. 3449-0141P
Amendment filed July 10, 2003
Page 12

James T. Eller, Jr., Registration No. 39,538, at (703) 205-8000, in the Washington, D.C. area.

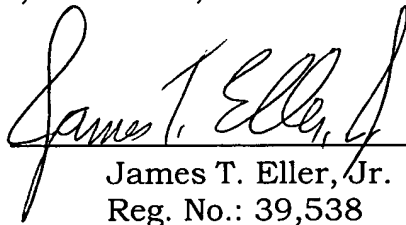
Prompt and favorable consideration of this Amendment is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By:


James T. Eller, Jr.
Reg. No.: 39,538

JTE:sld

P.O. Box 747
Falls Church, Virginia 22040-0747
Telephone: (703)205-8000